

## CERTIFICATE OF MAILING (37 CFR 1.8(A))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Box Fee Amendment, Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231 on November 15, 2002.

Signed: 

Laura Lee Mosier

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
JOHN H. HEANUE et al.

Serial No. 09/491,429 

Filed: January 26, 2000

For: WIDELY TUNABLE LASER

Group Art Unit: 2828

Examiner: Rodriguez, Armand

Date: November 15, 2002

TERMINAL DISCLAIMER  
APPROVED

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CHIEF OF THE SPECIAL  
PROGRAMS EXAMINER

Box FEE Amendment  
Assistant Commissioner for Patents  
Washington, D. C. 20231

Sir:

Petitioner, Iolon, Inc., a corporation duly organized under the laws of the State of Delaware, having its place of business at 1870 Lundy Avenue, San Jose, California 95131, is the owner of 100 percent interest in and to the above-entitled application as evidenced by an Assignment recorded in the U.S. Patent Office on October 23, 2000 at Reel 011197, Frame 0177. The evidentiary documents have been reviewed and to the best of Petitioner's knowledge and belief, title is in the Petitioner.

Petitioner hereby disclaims except as provided below the terminal part of the statutory term of any patent granted on the application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Application Serial No. 09/728,212 filed November 29, 2000. Petitioner hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that it and the above listed patent are commonly owned. This agreement runs with any patent granted on the above application and is binding on the grantee, its successor or assigns.

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In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of the above-listed patent in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

✓ I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

✓ The undersigned, whose title is supplied below, is empowered to act on behalf of the corporation.

Dated: November 15, 2002

Sincerely,

DORSEY & WHITNEY LLP



Edward N. Bachand


Registration No. 37,085

Four Embarcadero Center, Suite 3400  
San Francisco, CA 94111-4187  
Telephone: (650) 494-8700  
Facsimile: (650) 494-8771

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TECHNOLOGY CENTER 2800  
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Deborah P. Vega  
Paralegal Specialist  
Technology Center 2800  
(703) 308-3078